NO. 9 ORIGINAL

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In the Supreme Court of the United States

OCTOBER TERM, 1971

UNITED STATES OF AMERICA,

Plaintiff

v.

STATE OF LOUISIANA, ET AL.

RESPONSE OF THE STATE OF LOUISIANA TO THE MOTION BY THE UNITED STATES FOR ENTRY OF SUPPLEMENTAL DECREE (NO. 3); MOTION OF THE STATE OF LOUISIANA TO DEFER THIS MATTER OR ALTERNATIVELY TO REFER IT TO THE SPECIAL MASTER UNDER AN AMENDED REFERENCE AND ALTERNATIVE SUPPLEMENTAL MOTION FOR ORAL ARGUMENT ON THE MOTION OF THE UNITED STATES

MEMORANDUM IN OPPOSITION TO THE MOTION BY THE UNITED STATES FOR ENTRY OF SUPPLEMENTAL DECREE NO. 3 AND IN SUPPORT OF THE STATE OF LOUISIANA'S MOTION TO DEFER THIS MATTER OR ALTERNATIVELY TO REFER IT TO THE SPECIAL MASTER UNDER AMENDED REFERENCE AND IN SUPPORT OF THE ALTERNATIVE SUPPLEMENTAL MOTION FOR ORAL ARGUMENT ON THE MOTION OF THE UNITED STATES

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I. In filing this pleading the State of Louisiana reserves its rights under the pleadings previously filed in connection with the Motion of the United States for Supplemental Decree (No. 3) and files this pleading further to protect the interest of the State of Louisiana.

II. The opinion of this Court rendered herein on March 3, 1969, declared:

> "Several of these factual disputes cannot be properly resolved without evidentiary hearings, and as to others, we think it would be wise at all events in this technical and unfamiliar area to have the benefit, *preliminarily*, of the judgment of a detached referee. Accordingly, we have decided to refer to a Special Master the task of

> resolving in the first instance several of the particularized disputes over the precise boundary between the submerged Gulf lands belonging to the United States and those belonging to Louisiana." [Emphasis added] (394 U. S. 11, 35-36.)
>
> * * *
>
> "In due course a Special Master will be appointed by the Court to make a preliminary determination, consistent with this opinion, of the precise boundaries of the submerged lands owned by Louisiana in the Gulf of Mexico." (*Id.*, 78.)

III. This Court, by decree, appointed Walter P. Armstrong, Jr., Esq., of Memphis, Tennessee, as Special Master. (395 U. S. 901.)

IV. The record of the proceedings before the Special Master has not been closed, briefs have not been filed, and so the Special Master has not yet had an opportunity to make a preliminary determination of the precise boundaries of the submerged lands owned by Louisiana in the Gulf of Mexico as ordered by this Court in its opinion of March 3, 1969, and, therefore, the Motion by the United States for Supplemental Decree (No. 3) is premature.

V. Answering each paragraph in the motion setting forth the grounds on which the United States relies, the State of Louisiana avers:

1. Denied.

2. Admitted.

3. In answer to No. 3 the State of Louisiana admits that by order of May 19, 1969, 395 U. S. 901, the Court referred this case to Walter P. Armstrong, Jr.,

Esq., as Special Master, to make a preliminary determination consistent with the opinion of March 3, 1969, of the precise boundaries of the submerged lands owned by Louisiana in the Gulf of Mexico. Further answering, the State of Louisiana avers that no such determination has been made as of this date.

4. In answer to No. 4 the State of Louisiana avers that its answers to interrogatories and request for admissions requested by the United States were made in response to an order of the Special Master over the objection of the State of Louisiana and with full reservation by the State of Louisiana of its right to re-argue the objections before this Court. The attorneys for Louisiana did not* and could not** surrender any right of the State of Louisiana.

5. Admitted.

6. Denied.

VI. The State of Louisiana, through its Attorney General, moves the Court as follows:

1.

The motion of the United States for Supplemental Decree No. 3 should be deferred until the matter can be considered in its entirety or, alternatively, referred to the Special Master appointed by this Court to consider this case with additional authority to accept amendments to the pleadings by either party, to consider all issues raised by the State of Louisiana in its

*See discussion *infra*, p. 5-9.

**Louisiana Act 38 of 1956.

objections to responding to the interrogatories and request for admissions of the United States and to consider all other issues raised by the parties relevant in making a final determination of the precise boundaries of the submerged lands owned by the State of Louisiana in the Gulf of Mexico and to make a report on said issues to this Court.

2.

In the alternative, the State of Louisiana moves that in view of the importance of the issues in this case to the State of Louisiana, and to the Nation in the light of pending litigation before this Court involving The Atlantic States and the involvement of national territory, the motion of the United States should be set down for oral argument before the Court before any decree is rendered thereon.

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MEMORANDUM IN OPPOSITION TO THE MOTION BY THE UNITED STATES FOR ENTRY OF SUPPLEMENTAL DECREE NO. 3 AND IN SUPPORT OF THE STATE OF LOUISIANA'S MOTION TO DEFER THIS MATTER OR ALTERNATIVELY TO REFER IT TO THE SPECIAL MASTER UNDER AMENDED REFERENCE AND IN SUPPORT OF THE ALTERNATIVE SUPPLEMENTAL MOTION FOR ORAL ARGUMENT ON THE MOTION OF THE UNITED STATES

I. In the objection filed by the State of Louisiana to the right of the United States to file the motion for entry of Supplemental Decree (No. 3) at this time, it was made clear the motion was premature for the Special Master was delegated the task by the Court of making a preliminary determination and reporting to the Court on the precise boundaries of the submerged lands owned by the State of Louisiana in the Gulf of Mexico, which has not as yet been done since the hearings have not been concluded.

What the United States is attempting to do by this motion is to cause the Court to amend the order resulting from its March 3, 1969 opinion by having the Court determine the outer limits of the precise boundaries of the submerged lands owned by Louisiana in the Gulf of Mexico prior to a report by the Special Master to the Court.

The United States, in interrogatories and request for admissions, attempted to require the State of Louisiana, by its answers and admissions, to limit the extent of Louisiana's claim under the Submerged Lands Act in the Gulf of Mexico. Over the objection of the

State of Louisiana, the Special Master ordered the State of Louisiana to answer these interrogatories and request for admissions.

In response to order of the Special Master, the interrogatories and request for admissions were answered with a clear statement by the attorneys for the State of Louisiana that they did not give up any of the claims of the State of Louisiana under the Submerged Lands Act in the Gulf of Mexico. The State of Louisiana, in its objections, made it clear it did not consider the opinions previously rendered by this Court, in this case, were final until the precise boundaries of the submerged lands owned by the State of Louisiana in the Gulf of Mexico had been fixed by a decree of this Court, which has not as yet been done.

The United States errs in its proposed motion in treating Louisiana's statement of the outermost claims which it could make before the Special Master as its outermost claims before the Court. In order to facilitate trial by the Special Master, Louisiana entered into a Joint Pretrial Statement with the United States, accepting as correct for very limited purpose, and with certain exceptions, the product of a particular survey known as "the set of 54 maps."

This document stated:

> "For the purpose *of the present cross motion for entry of a second supplemental decree as to the State of Louisiana*, the parties agree to accept the set of 54 maps filed with the Special Master

as correct representations of the present high and low water lines. . . ." [Emphasis added.]

Louisiana's so-called admissions were predicated upon these maps, which Louisiana is not bound to recognize for purposes of this motion for an entirely new supplemental decree.

The record makes it abundantly clear that Louisiana's answer upon which the Government now relies was strictly limited to the proceedings before the Special Master "and not to lay a foundation for . . . petitioning the Supreme Court for any interim decree declaratory of ownership or jurisdictional powers in so-called undisputed areas. . . ." (Answers to United States Second Formal Interrogatories, December 10, 1970, in the Proceedings before the Special Master.) Furthermore, Louisiana repeatedly asserted:

> ". . . Louisiana recognizes that in the proceedings before the Master it must assert positions deemed tenable by counsel within the scope of the Supreme Court's opinion [of March, 1969] and the reference to the Special Master. But this is solely for purposes of trial before the Master and *not* for any more general or broad purpose of surrendering or not disputing rights generally 'in this litigation.'" (Additional Response by the State of Louisiana to Informal United States Interrogatories of January 20, 1970, and also Response to Second Formal Interrogatories *supra.*)

In the course of the hearings, Louisiana reiterated its position and with respect to this very motion by the United States, Louisiana again made its position clear, as appears from the following:

"MR. SACHSE: Mr. Armstrong, we think before we leave this room we ought to advise you if you haven't been advised that the United States has filed a motion for a new decree in this case with respect to areas outside of the limits as set by Louisiana in answer to interrogatories from the United States. So far as reference to the Master is concerned, disregarding but making reference to the earlier reservations in our response to the interrogatories and requests for admissions, which explicitly we have reserved our rights to be asserted in the United States Supreme Court rather than to you, sir, because it is not specifically referred to you. It may be that you already know of this but we thought that as a courtesy to you if you don't know of it, we should inform you and of course we will make opposition to this motion in due time.

THE MASTER: I appreciate your courtesy, sir. I was not aware of it but I figure that this is a matter that does not concern me but one that the parties will handle directly with the court.

MR. SACHSE: It may only inferentially concern you, sir, with respect to some certification to the Supreme Court of the United States of the answers to the interrogatories and requests for admissions which Louisiana filed because, while there is a reference to it in this motion in a vague sort of a way, the explicitness with which we undertook to preserve our rights is we think by no means indicated; so we may need to ask for some certification from you, sir.

THE MASTER: Very well sir. I will, of course, be glad to certify anything that has oc-

curred in the official proceedings here that may be of help. . . ." (43 *Transcript* 5906-5907.)

The State of Louisiana urges the Court, if it decides the motion should be considered at this time, to refer to the Special Master with authority to accept amendments to the pleadings, to consider whether any issues are foreclosed by former opinions of the Court in this case, whether or not the State of Louisiana is entitled to re-urge an historical boundary based on newly discovered evidence and to consider such other matters as would be relevant in making a preliminary determination of the precise boundaries of the submerged lands owned by the State of Louisiana in the Gulf of Mexico.

The first California Case held that none of the States, not even the original 13, had any claim to waters or submerged lands seaward of their coasts. (332 U. S. 19.) Meanwhile, in 1945, the Truman Proclamation claimed the submerged lands, but not the waters, of the continental shelf for the United States. (Executive Order No. 2667, 10 Fed. Reg. 12303, 59 Stat. 884.) The Congress, dissatisfied with the first California decision, effected a division by the Submerged Lands Act (67 Stat. 29) and the Outer Continental Shelf Act (67 Stat. 462) originally in the same bill, by which waters and submerged lands, to the extent of 3 miles, in the Atlantic and Pacific, were granted or confirmed to the States. In the Great Lakes, the international line was used. In the Gulf of Mexico, the line might be three leagues from the coast. The international line had to be referred to with respect to the Great Lakes because no claim to Canadian territory could be made, but

nowhere else was any reference made to an international line. Indeed, the Congress treated this as a wholly domestic matter and when the Attorney General of the United States sought to convince this Court to the contrary in the 1959-1960 case, this Court squarely rejected that view, held it to be a domestic matter, held that Congress could make such division of the Submerged Lands as it chose and that the problem of the Court was only to determine the extent of such division.[1]

Although considerations of international law were then rejected as to the extent of the Congressional division, when the second California case reached the Court, it was decided that the 1960 Geneva Convention should be used to determine the baseline from which the extent of the division is to be measured.[2] We have

[1] 363 U.S. 1, 32-35. "The Government now urges in this case . . . that because of federal supremacy in the field of foreign relations, this Court must hold that the Executive policy of claiming no more than three miles of territorial waters . . . worked a decisive limitation upon the extent of all state maritime boundaries for purposes of this act.

". . . However, in light of the purely domestic purposes of the Act, we see no irreconcilable conflict between the Executive policy relied on by the Government and the historical events claimed to have fixed seaward boundaries for some States in excess of three miles. We think that the Government's contentions on this score rest on an oversimplification.

* * *

"[T]here is no question of Congress' power to fix state land and water boundaries as a domestic matter. Such a boundary, fully effective as between Nation and State, undoubtedly circumscribes the extent of navigable inland waters. . . ."

[2] U. S. v. California 381 U. S. 139.

never been able to reconcile that decision with the earlier ones, except to recognize the relative simplicity of having one line for all purposes (though the Government has never heretofore sought that as there have been various lines with respect to navigation, fishing, smuggling and so on).[3]

In any event, California presented no evidence and little argument to support any other line to mark the division, and this Court has squarely recognized that fact in saying to Louisiana in its 1969 decision the opportunity to show initially to the Special Master that its use of offshore waters has been such that it would be considered as if Louisiana and the United States were opposing foreign powers. (394 U. S. 11, 77-78).

As the United States Constitution gives to the federal government exclusive treaty making powers, and as the same Constitution forbids the curtailing of State territory without its consent,[4] and as the

[3]The United States itself noted this in its Brief on Cross-Motion for the Entry of a Supplemental Decree as to the State of Louisiana. (No. 2) p. 38, f.n. 17.

[4]The federal government has not heretofore been held to have the power to change the boundaries of a state without its consent.

In *United States v. Louisiana*, the Court stated:

> ". . . It is sufficient for present purposes to note that there is no question of Congress' power to fix state land and water boundaries as a domestic matter." (363 U. S. 1, 35.)

However, examination of the text reveals that the court is referring to the power of Congress to set boundaries of states upon their admission to the union and to make a divi-

sion of sea area then, and did not relate to a diminution of the territory of a state aftter its admission:

> "The power to admit new States resides in Congress. . . . From . . . [it] . . . springs the power to establish state boundaries . . . ."

This Court has several times indicated that it believed that Congress lacked this power to change boundaries.

In *Geofroy v. Riggs* the Court had before it the question of whether a citizen of France could take land in the District of Columbia by descent from a citizen of the United States. At issue was the effect of a treaty between this country and France which was operative at the time the District of Columbia was formed. The Court, in a discussion of the nature of the treaty power, said:

> " . . . The treaty power, as expressed in the Constitution, is in terms unlimited except by those restraints which are found in that instrument against the action of the government or of its departments, and those arising from the nature of the government itself and of that of the States. It would not be contended that it extends so far as to authorize what the Constitution forbids, or a change in the character of the government or in that of one of the States, *or a cession of any portion of the territory of the latter without its consent.*" (133 U.S. 258, 267.) [Emphasis added.]

The *Fort Leavenworth RR Co. v. Lowe* case was concerned with the effect of acquisition of land within a state by the federal government on the jurisdiction of the state to tax. In that opinion, the Court mentions the Maine boundary dispute:

> ". . . And so when questions arose as to the northeastern boundary, in Maine, between Great Britain and the United States, and negotiations were in progress for a treaty to settle the boundary, it was deemed necessary on the part of our government to secure the cooperation and concurrence of Maine, so far as such settlement might involve a cession of her sovereignty and jurisdiction as well as title to territory claimed by her, and of Mas-

sachusetts, so far as it might involve a cession of title to lands held by her." (114 U.S. 525, 545)

In *Washington v. Oregon*, the Court said:

> "The northern boundary of the state of Oregon was established prior to that of the state of Washington and it is not within the power of the national government to change that boundary without the consent of Oregon." (211 U.S. 127)

We cite also *Louisiana v. Mississippi*. The case involved a boundary dispute between the two states. One of the contentions of Mississippi was that there was conflict between the language in the act admitting Louisiana fixing the boundaries of that state, and the language fixing the boundaries of Mississippi in the act admitting it. The Court stated:

> "If it were true that this repugnancy between the two acts existed, it is enough to say that Congress, after the admission of Louisiana, could not take away any portion of that State and give it to the State of Mississippi. The rule, *Qui prior est tempore, potior in jure*, applied, and section three of article IV of the Constitution does not permit the claims of any particular State to be prejudiced by the exercise of the power of Congress therein conferred." (202 U.S. 1, 40-41)

New Mexico v. Colorado involved a border dispute between the two states. The act admitting Colorado had fixed its boundary as the thirty-seventh parallel. The boundary line was surveyed and named the Darling line. Later another line was surveyed, called the Carpenter line, and it was found that the Darling line was inaccurate. The Court stated two grounds for its decision. The first ground was that "governments are bound by the practical line that has been established as their boundary, although not precisely a true one" and that New Mexico was bound by the previous recognition of the Darling line by the United States while New Mexico was a territory and Colorado a state. The court also stated:

> "Further, after Colorado had been admitted into the Union in 1876 its right to rely upon the line previously established could not be impaired by any subsequent action on the part of the United States." (276 U.S. 30, 41)

United States is in a fiduciary capacity *quoad* the states when the federal government deals with foreign nations, it is difficult to see how it could rightfullly use the treaty making power with respect to the Geneva Convention to curtail state territory.

All of this is again being put at issue in litigation between the United States and the Atlantic States and this Court has refused the Motion of the United States for a summary judgment. Apparently, then, the issue is not foreclosed and it may well be that this Court will recognize that the Atlantic States did indeed have territory into the Atlantic when they came into the Union and that they did not lose their water territory by ratifying the United States Constitution.

The basis for the claims of the United States in this entire coastline litigation are now gravely in doubt. The claims of the United States rest ultimately upon the case of *United States v. California*, 332 U.S. 19 (1947), which held that no State had any boundary extending into the sea, not even the original thirteen. Subsequent events have reduced the force of this decision as precedent to the vanishing point. First, Congress, believing the opinion to have been in error, passed the Submerged Lands Act, which *quitclaimed* the ownership of mineral resources under the sea to the coastal states out to a certain distance. Next, this honorable court itself ruled that Texas and Florida did have historic boundaries, extending out into the Gulf of Mexico, *contra* the first California decision, *United States v. Louisiana et al.*, 363 U. S. 1. Most recently, this Court denied a Motion by the United

States for a judgment against the seaboard States that as a matter of law they were not entitled to more than the three miles granted them by the United States in the Submerged Lands Act. In countering the United States' motion with a motion for reference of the matter to a Special Master, the Atlantic States urged that they were not foreclosed from proving their claims by the California case. This Court did refer the matter to a Special Master, *United States v. Maine et al* 398 U. S. 947. If the Atlantic States make out their case, the historic claims of Louisiana, including the claim to three leagues mentioned in the 1803 cession from France, will be strengthened.

II. In Louisiana's objection to the right of the United States to file the present motion, reference was made to the fact there is now pending before a Special Master appointed by this Court in the suit entitled "The State of Texas, Plaintiff vs. The State of Louisiana, Defendant," Original Action 36, the question as to whether or not the Southwest corner of the State of Louisiana coincides with the Southeast corner of Texas in the Gulf of Mexico. Reference in Louisiana's memorandum was made to two recently discovered documents, one by President John Quincy Adams and the other by Secretary of State Henry Clay, which Louisiana urges recognized that the boundary established by the Treaty of 1819 between the United States and Spain established the western boundary of the State of Louisiana. An examination of the March 3, 1960 decision of this Court in *United States v. Louisiana et al.* suffices to demonstrate the materiality of

such a new discovery. There the Court stated:

> "Certain treaties successively entered into from 1819 to 1838 by the United States with Spain, Mexico, and the Republic of Texas establishing the boundary between Texas and the United States are relied on as indicating that the State and Federal Governments thought that Congress had fixed a three-league maritime boundary for Louisiana. Louisiana contends that the treaties fixed the beginning of the international boundary at a point three leagues from land, and that therefore the southwestern corner of Louisiana as well as the southeastern corner of Texas must have been regarded as extending seaward to that distance. Whether or not such reasoning is valid, the language of the treaties refutes the premise that the international boundary began three leagues from land. Both the 1819 and the 1828 treaties recited that [t]he boundary line between the two countries, west of the Mississippi, shall begin on the Gulph of Mexico at the mouth of the river Sabine, in the sea * * *. The Treaty of 1838 referred to the Treaty of 1828, and provided for a survey of 'that portion of the said boundary which extends from the mouth of the Sabine, where that river enters the Gulph of Mexico, to the Red River.'" (363 U. S. 1, 77.)

The Court also noted:

> "The boundaries of Texas were described in full by the Act as follows:
>
> 'That from and after the passage of this act, the civil and political jurisdiction of this republic be, and is hereby declared to extend to the following boundaries, to wit: beginning at the mouth of the

> Gulf of Mexico three leagues from land, to the mouth of the Rio Grande, thence up the principal stream of said river to its source, thence due north to the forty-second degree of north latitude, thence along the boundary line as defined in the treaty between the United States and Spain, to the beginning: and that the president be, and is hereby authorized and required to open a negotiation with the government of the United States of America, so soon as in his opinion the public interest requires it, to ascertain and define the boundary line as agreed upo nin said treaty.'" (*Id.*, 36 f. n. 61).

Justice Douglas, in his dissent, stated:

> "If the southeast corner of Texas was three leagues offshore, it is difficult for me to see how the southwest corner of Louisiana was not at the same point. From the beginning the United States and Spain fixed their corner west of the Mississippi on the Gulph of Mexico, at the mouth of the river Sabine, in the sea. 8 Sta. 254. If we move the Texas boundary out three leagues, it is hard to see why Louisiana's does not accompany it. It has long been recognized that a part of Louisiana's border is a water boundary that extends "to the open sea or Gulf of Mexico," *State of Louisiana v. State of Mississippi*, 202 U.S. 1, 43, 26 S.Ct. 408, 419, 50 L.Ed. 913, and includes the deep-water sailing channel line as a boundary. *Id.*, 202 U.S. at page 44, 26 S.Ct. at page 419.
>
> "The enabling Act authorizing the people of the Territory of Orleans to form Louisiana described the territory as running 'to the gulf of Mexico; thence bounded by the said gulf * * * in-

> cluding all islands within three leagues of the coast.' 2 Stat. 641. The boundaries described in the Act admitting Louisiana to the Union are similarly described as 'to the gulf of Mexico; thence, bounded by the said gulf * * * including all islands within three leagues of the coast. 2 Sta. 701, 702." (*Id.*, 117-118)

Justice Douglas also noted:

> "The United States concedes that, so far as Louisiana, Mississippi and Alabama are concerned, all the submerged lands between the mainland and the islands are sufficiently enclosed to constitute inland waters that passed to the State on its entry into the Union. *Pollard v. Hagan*, 3 How. 212, 11 L.Ed. 565. It further concedes that these States have rights to the submerged lands within three miles of the islands under the ordinary three-mile rule." (*Ibid.*)

The letters of Adams and Clay, reproduced as Appendix to Louisiana's Objection, establish the United States was settling the western boundary of Louisiana, which was of course the western boundary of the United States as established by the Treaty of 1819[5] for

[5]This effect of a treaty is not without precedent. In debating in the United States Congress the Act authorizing the people of the Territory of Orleans to form a constitution preparatory for its admission into the Union, Congressman Poindexter pointed out two instances where the boundaries were settled by the United States and a foreign government after a State came into the Union, and where the Treaty boundary, thereafter, became the boundary of that State without any further action on the part of the State. The first instance involved Massachusetts and a treaty between England and the United States and the other involved Georgia and

a treaty between Spain and the United States and England. In his debate Mr. Poindexter said:

"It has been contended by an honorable gentleman from Connecticut, (Mr. Pitkin) that inasmuch as the western limits of Louisiana remain undefined, the State to be formed of the present Territory of Orleans would extend its jurisdiction over the province of Texas, to Rio Bravo, and down that river to its confluence with the sea, so as to include the Bay of St. Bernard, and the whole extent of country, supposed by the American Government to be transferred by the French Republic under the name of Louisiana. This circumstance, it is alleged, will enable the Government of the new State to involve the United States in war, for the establishment of the most western boundary, to which we have asserted a claim. *The gentleman has himself referred to a fact which, in my estimation, furnishes a sufficient answer to this objection. He admits that the northern boundary of the State of Massachusetts was never definitely established until commissioners were appointed by the Government of Great Britain and the United States, to ascertain what was the true river St. Croix. Anterior to that event it was uncertain how far north the jurisdiction of Massachusetts extended; but the most scrupulous advocates for State sovereignty never imagined that the State could decide its own boundaries, and call upon the general Government to support that decision at the point of the bayonet. The difficulty was adjusted by amicable negotiation, and the river designated by the two nations became the permanent boundary of the State. Can the gentleman distinguish that case from the one which exists as to the western boundary of Louisiana?* By the second section of the bill, it is provided, that the State shall be composed of all that part of the territory or country ceded under the name of Louisiana by the treaty made at Paris on the 3rd day of April, 1803, between the United States and France, 'now contained within the limits of the Territory of Orleans, except that part lying west of the river Iberville, and a line to be drawn along the middle of the lakes Maurepas and Ponchartrain to the ocean.' The Territory of Orleans is limited indefinitely by the western boundary of Louisiana; but by an arrangement made in the Autumn of 1806, between the Commander-in-Chief of the

Louisiana was the Southwesternmost of the United States. This means the Southwest corner of the bound-

American Army and the Commander of the Spanish forces in that quarter it was agreed that for the present the Spanish should not cross the Sabine, and that the American settlements should not extend to the river. To carry this arrangement into effect, the Government of the United States has given instructions that the public lands should not be disposed of west of a meridian passing by Natchitoches. Beyond that line I am inclined to believe the Territorial Government of Orleans has not yet extended its authority. It follows, therefore, by a fair construction of the section to which I have referred, that the State to be formed of that territory will be confined within the same limits, until by an act of the General Government the western boundary of the cession shall be finally adjusted. *It belongs exclusively to the high contracting parties, to render that certain, which by the deed of cession is equivocal, and whatever line they may consent to establish as the western extremity of the country ceded under the name of Louisiana will constitute the permanent limit of the State, whether it extends to Rio Bravo or the Sabine, or a meridian passing by Natchitoches. This, sir, is conformable with usage. The southern boundary of Georgia was fixed by the Treaty of the 27th day of October, 1795, with the King of Spain; and, by the Treaty of 1794 with Great Britian, the true river St. Croix was determined. In these instance, the States whose interests were involved, existed prior to, and were parties in, the adoption of the Federal Constitution; and yet no one ever questioned the right of the Government of the United States to settle the line of demarcation between them and the colonies of Great Britain and Spain. I put it to the candor of the gentleman from Connecticut to say whether the difficulty which he suggests, is not entirely removed by a reference to the practice of the Government on these occasions, similar in their* nature to the present, and differing only in circumstances which rendered them more favorable to the interposition of State authorities." (Emphasis ours.) (Pages 556-8) January 1811. The Debates and Proceedings in the Congress of the United States, Eleventh Congress, Third Session, comprising the period December 3, 1810 to March 3, 1811 inclusive. Printed and published by Gales and Seaton 1853.

ary of the State of Louisiana coincides with the Southeast corner of the boundary of the State of Texas, which the Court has already held gave the State of Texas a three-league historical boundary. This newly discovered evidence should lead to the recognition of a three-league water boundary for Louisiana as well as for Texas, whether the issue is considered by the Special Master or by this Court if it considers the Motion of United States, acting under Rule 60 of the Federal Rules of Civil Procedures applicable in this Original action.

III. If the Court considers the motion of the United States, the State of Louisiana should be permitted to file with the Court the complete transcript and record of the proceedings before the Special Master so that the Court will have the facts on which the State of Louisiana relies.

The "piecemeal" character of the federal motion is evident from its one-sided nature, that is, it does not give effect by way of any recognition of Louisiana title to lands within the United States' innermost coastline claims or evidence or admissions submitted by the United States in the Proceedings before the Special Master. In this respect, it is materially different from the December 13, 1965 Decree.

The federal government, in material submitted to the Special Master, recognizes, in effect, that the Court's ruling on low water elevations within three miles of bay closing lines but more than three miles from dry land results in the production of three-mile arcs; but that recognition is not reflected in its motion

or proposed decree. Also, the federal government, in a last-minute filing in the proceedings before the Special Master, introduced evidence (United States Exhibit 416-D) showing that at or near the mouth of Dead Woman Pass there were many low water elevations and islands which it recognized ought to have effect in casting three-mile arcs.

U. S. Exhibit 416-D, especially in the area near Dead Woman Pass and elsewhere, has differed from earlier expressed federal positions which in part were utilized as the basis for formulating the Louisiana alternative positions for the limited purposes of the proceedings before the Special Master, which the federal government now relies upon.

The result is that if the federal motion is granted, the Court will have to then next consider another motion which Louisiana will be forced to file immediately thereafter to recognize on an interim basis, at Atchafalaya Bay and Dead Woman Pass, as well as at hundreds of miles of other locations, the area shoreward of which the United States plainly recognizes the title of Louisiana.

Likewise, in the unimaginably grave difficulties associated with the split-lease problem, there lurks potential for vast problems of administration and administrative accounting, engineering, financial record keeping problems as well as other matters of an exceedingly complex factual nature which may also involve neighboring leases that will not be split. (Federal admission of such problems is implicit in the request that leases which will be split should be excluded

from the proposed decree.) Effects of units, discrepancies between federal records and State records, systems of accounting for production, problems of survey to determine bottom hole location of wells—and there are at least hundreds, perhaps thousands of wells involved —all auger the probable repetition of much complex factual negotiation, discovery procedure and dispute. All of this will have to be later repeated on the Louisiana motion which would surely follow any granting of the federal motion, and also after the coastline determination is complete. Prior to the December 13, 1965 decree, where much smaller areas and much more limited production was entailed, such problems had been substantially negotiated before the decree.

To submit Louisiana to having to engage in veritable endless negotiations of this sort, without the availability of a Special Master to supervise discovery and resolve much factual detail, would be to require the State of Louisiana to merely accept the federal government's word concerning its handling of more than a billion dollars of funds from scores of areas scattered over thousands of square miles of territory with many hundreds of oil wells involved and many, many thousands of bookkeeping entries.

Therefore, a reference to the Special Master will be necessary, if for no other reason than to supervise discovery and take evidence on the matters of factual dispute that are sure to arise with accounting and surveying problems. These accounting and surveying and other administrative and technical problem areas are, of course, prone to raise factual complexities in addi-

tion to those factual disputes that arise out of the denials made by Louisiana in response to the United States' motion.

The fact that such numerous detailed disputes will have to be carried on concurrently with the still-unresolved coastline dispute which will inevitably involve the same counsel and technical personnel of both governments is bound to materially detract from the speedy resolution of the total dispute.

CONCLUSION

This matter is not only of great interest to the State of Louisiana, but to the other States on the Gulf of Mexico and the Atlantic states who are now involved in similar litigation. The complexities of these problems are such that no decree should be rendered on the motion of the United States without an oral argument before the full Court.

PROOF OF SERVICE

I, the Attorney General of the State of Louisiana, certify that copies of the foregoing ~~motion, proposed decree and memorandum~~ have been properly served on the 28th day of October, 1971, upon the Solicitor General and the Attorney General of the United States, respectively, in their offices in the Department of Justice Building, Washington 25, D. C.

/s/ Jack P. F. Gremillion

UNITED STATES *v.* LOUISIANA ET AL. (LOUISIANA BOUNDARY CASE)

No. 9, Orig. Decided May 31, 1960—Final Decree Entered December 12, 1960—Supplemental Decrees Entered December 13, 1965, and December 20, 1971.

The motion by the United States for the entry of a supplemental decree is granted (*post*, p. 998), and a supplemental decree is entered.

Opinions reported: 363 U. S. 1 and 394 U. S. 11; final decree reported: 364 U. S. 502; supplemental decree reported: 382 U. S. 288.

Solicitor General Griswold argued the cause for the United States on the motion for entry of a supplemental decree as to the State of Louisiana. With him on the motion and memoranda in support thereof were *Assistant Attorney General Kashiwa, George S. Swarth*, and *Jonathan I. Charney*.

Victor A. Sachse, Special Assistant Attorney General, argued the cause for the State of Louisiana in opposition to the motion. With him on the memoranda were *Jack P. F. Gremillion*, Attorney General, *John L. Madden*, Assistant Attorney General, and *Paul M. Hebert, Oliver P. Stockwell, Frederick W. Ellis, William E. Shaddock*, and *W. Thomas Tete*, Special Assistant Attorneys General.

Supplemental Decree

It appearing to the Court that its opinion herein of March 3, 1969, 394 U. S. 11, rejected every ground asserted by the State of Louisiana in support of its claim to rights in the area of the continental shelf hereinafter described, and that no issue as to said area is now pending before the Special Master appointed herein by order of May 19, 1969, 395 U. S. 901; and

It further appearing that substantial revenues derived from lands lying wholly within said area are now being held impounded by the United States pursuant to the parties' Interim Agreement of October 12, 1956, as amended, on file herein, and that there is no reason why the Court should not at this time enter a supple-

mental decree declaring the rights of the United States in the described area and terminating the obligation of the United States to hold impounded the revenues heretofore or hereafter derived from leases of lands lying wholly within the described area:

IT IS ORDERED, ADJUDGED AND DECREED:

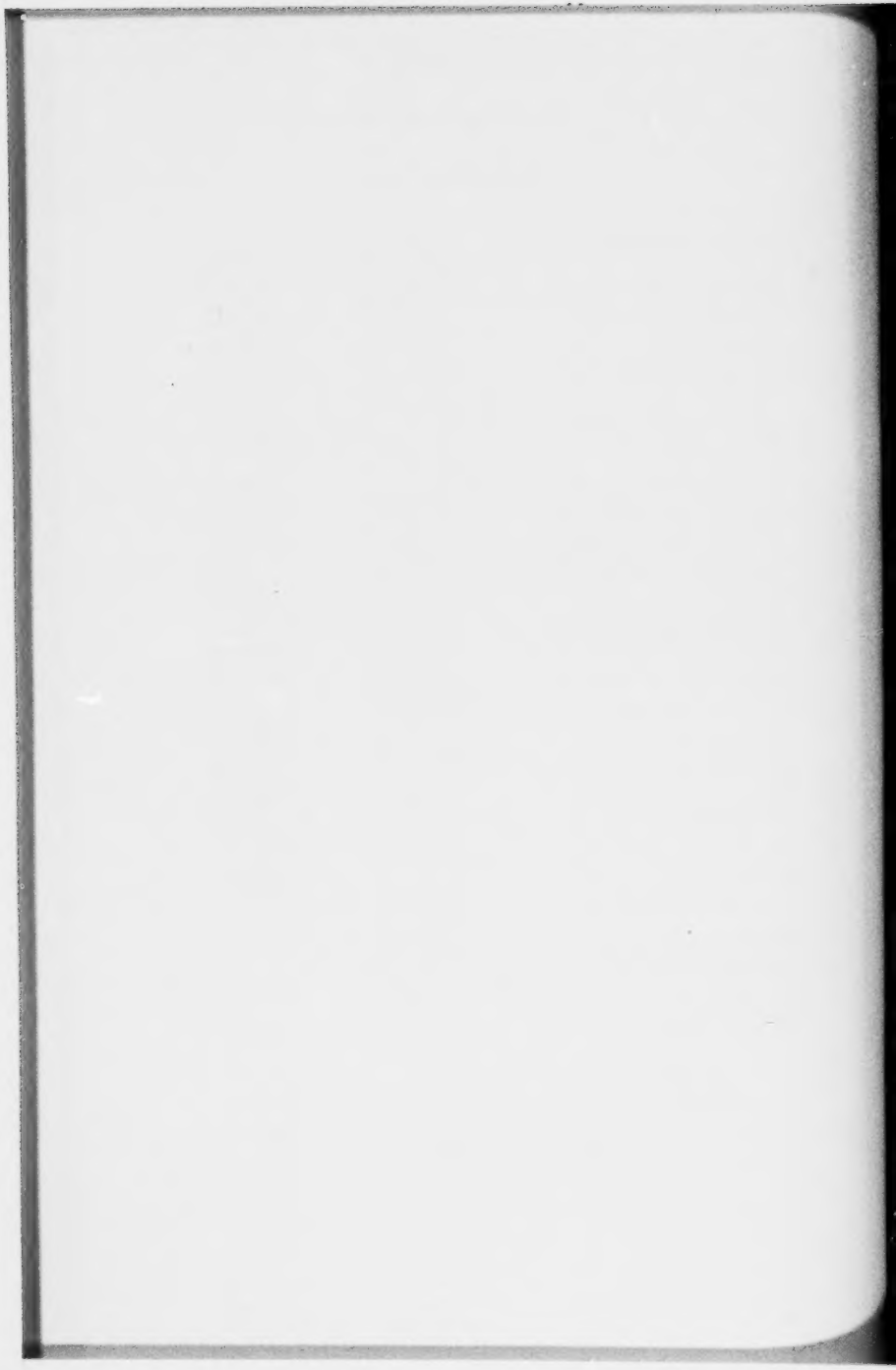
1. As against the defendant State of Louisiana and all persons claiming under it, the United States has exclusive rights to explore the area of the continental shelf lying more than one foot seaward of the line described in paragraph 3 hereof, and to exploit the natural resources of said area. The State of Louisiana is not entitled to any interest in such lands, minerals, or resources, and said State, its privies, assigns, lessees and other persons claiming under it are hereby enjoined from interfering with the rights of the United States in such lands, minerals, and resources.

2. All sums now held impounded by the United States under the Interim Agreement of October 12, 1956, as amended, derived from leases of lands lying wholly within the area referred to in paragraph 1 hereof are hereby released to the United States absolutely, and the United States is hereby relieved of any obligation under said agreement to impound any sums hereafter received by it from leases of lands lying wholly within said area.

3. The line referred to in paragraph 1 hereof is described by coordinates in the Louisiana Plane Coordinate System, South Zone, as follows:

	X	Y
BEGINNING AT	2769356.556	575649.806
BY STRAIGHT LINE TO	2790257.937	526389.980
BY ARC CENTERED AT	2779032.000	512013.000
TO	2791384.930	525434.041
BY STRAIGHT LINE TO	2793118.930	523838.041
BY ARC CENTERED AT	2780766.000	510417.000
TO	2794593.837	522312.804
BY STRAIGHT LINE TO	2795886.837	520809.804
BY ARC CENTERED AT	2782059.000	508914.000
TO	2796579.124	519954.164
BY STRAIGHT LINE TO	2799209.124	516495.164

	X	Y
BY ARC CENTERED AT	2784689.000	505455.000
TO	2800440.568	514653.224
BY STRAIGHT LINE TO	2804269.568	508096.224
BY ARC CENTERED AT	2788518.000	498898.000
TO	2804494.998	507698.840
BY STRAIGHT LINE TO	2806027.998	504915.840
BY ARC CENTERED AT	2790051.000	496115.000
TO	2807013.645	502822.304
BY STRAIGHT LINE TO	2808652.645	498677.304
BY ARC CENTERED AT	2791690.000	491970.000
TO	2809151.167	497245.118
BY STRAIGHT LINE TO	2812250.167	486987.118
BY ARC CENTERED AT	2794789.000	481712.000
TO	2812519.378	485996.033
BY STRAIGHT LINE TO	2813932.378	480148.033
BY ARC CENTERED AT	2796202.000	475864.000
TO	2814261.901	478425.093
BY STRAIGHT LINE TO	2815268.901	471324.093
BY ARC CENTERED AT	2797209.000	468763.000
TO	2815426.129	469687.898
BY STRAIGHT LINE TO	2815673.129	464822.898
BY ARC CENTERED AT	2797456.000	463898.000
TO	2815696.593	463894.844
BY STRAIGHT LINE TO	2815695.593	458115.844
BY ARC CENTERED AT	2797455.000	458119.000
TO	2815656.660	456927.864
BY STRAIGHT LINE TO	2815268.660	450998.864
BY ARC CENTERED AT	2797067.000	452190.000
TO	2815170.804	449960.314
BY STRAIGHT LINE TO	2813956.804	440103.314
BY ARC CENTERED AT	2795853.000	442333.000
TO	2813808.964	439123.233
BY STRAIGHT LINE TO	2812677.964	432796.233
BY ARC CENTERED AT	2794722.000	436006.000
TO	2812418.508	431584.141
BY STRAIGHT LINE TO	2810956.508	425733.141
BY ARC CENTERED AT	2793260.000	430155.000
TO	2810698.968	424806.950
BY STRAIGHT LINE TO	2807853.968	415529.950
BY ARC CENTERED AT	2790415.000	420878.000
TO	2807571.652	414683.766
BY STRAIGHT LINE TO	2805321.652	408451.766
BY ARC CENTERED AT	2788165.000	414646.000
TO	2805227.217	408196.195
BY STRAIGHT LINE TO	2803786.217	404384.195
BY ARC CENTERED AT	2786724.000	410834.000
TO	2803319.235	403263.173
BY STRAIGHT LINE TO	2799845.235	395648.173
BY ARC CENTERED AT	2783250.000	403219.000
TO	2798970.928	393968.505



	X	Y
BY STRAIGHT LINE TO	2795393.928	387889.505
BY ARC CENTERED AT	2779673.000	397140.000
TO	2795310.866	387749.772
BY STRAIGHT LINE TO	2793559.866	384833.772
BY ARC CENTERED AT	2777922.000	394224.000
TO	2792248.791	382934.080
BY STRAIGHT LINE TO	2790813.791	381113.080
BY ARC CENTERED AT	2776487.000	392403.000
TO	2789360.151	379480.105
BY ARC CENTERED AT	2774670.000	390293.000
TO	2788262.435	378128.916
BY STRAIGHT LINE TO	2786553.159	375044.826
BY ARC CENTERED AT	2770599.000	383887.000
TO	2785045.121	372750.177
BY STRAIGHT LINE TO	2783941.664	371318.828
BY STRAIGHT LINE TO	2783791.761	371061.536
BY ARC CENTERED AT	2768031.000	380244.000
TO	2780548.119	366975.957
BY STRAIGHT LINE TO	2775735.205	360552.955
BY ARC CENTERED AT	2761138.000	371491.000
TO	2775111.280	359766.382
BY STRAIGHT LINE TO	2773031.020	357287.149
BY ARC CENTERED AT	2757465.000	366796.000
TO	2771721.145	355417.004
BY STRAIGHT LINE TO	2770633.235	354054.018
BY STRAIGHT LINE TO	2770504.786	353847.463
BY ARC CENTERED AT	2755015.000	363480.000
TO	2767787.706	350457.818
BY STRAIGHT LINE TO	2761993.706	344774.818
BY ARC CENTERED AT	2749221.000	357797.000
TO	2760702.849	343623.561
BY STRAIGHT LINE TO	2757790.849	341264.561
BY ARC CENTERED AT	2746309.000	355438.000
TO	2756371.988	340224.338
BY STRAIGHT LINE TO	2773418.101	206994.932
BY ARC CENTERED AT	2755325.000	204680.000
TO	2773307.767	201623.969
BY STRAIGHT LINE TO	2773160.767	200758.969
BY ARC CENTERED AT	2755178.000	203815.000
TO	2773015.068	199999.475
BY STRAIGHT LINE TO	2772420.179	188058.433
BY ARC CENTERED AT	2754263.000	186316.000
TO	2772345.899	183922.675
BY STRAIGHT LINE TO	2771967.899	181066.675
BY ARC CENTERED AT	2753885.000	183460.000
TO	2766173.905	169980.310
BY STRAIGHT LINE TO	2764758.905	168690.310
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TO	2763667.122	167770.566
BY STRAIGHT LINE TO	2740620.854	137484.221

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TO	2735648.943	132985.471
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BY ARC CENTERED AT	2701773.000	118961.000
TO	2717763.031	110183.863
BY STRAIGHT LINE TO	2717662.031	109999.863
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TO	2714989.110	106312.097
BY ARC CENTERED AT	2701104.000	118141.000
TO	2714747.154	106033.830
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TO	2712654.457	103983.120
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TO	2699042.141	98551.807
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TO	2597415.825	77505.006
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TO	2551363.075	197787.732
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TO	2396858.180	157406.495
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TO	2387438.051	149823.051
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TO	2374966.704	142214.534
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TO	2367742.517	139418.767
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TO	2344530.100	133022.061
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TO	2333793.990	128977.667
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TO	2168752.572	116704.450
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TO	2155033.394	117510.260
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TO	2149162.352	118413.090
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TO	2058843.067	181599.424
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TO	2050844.853	182991.054

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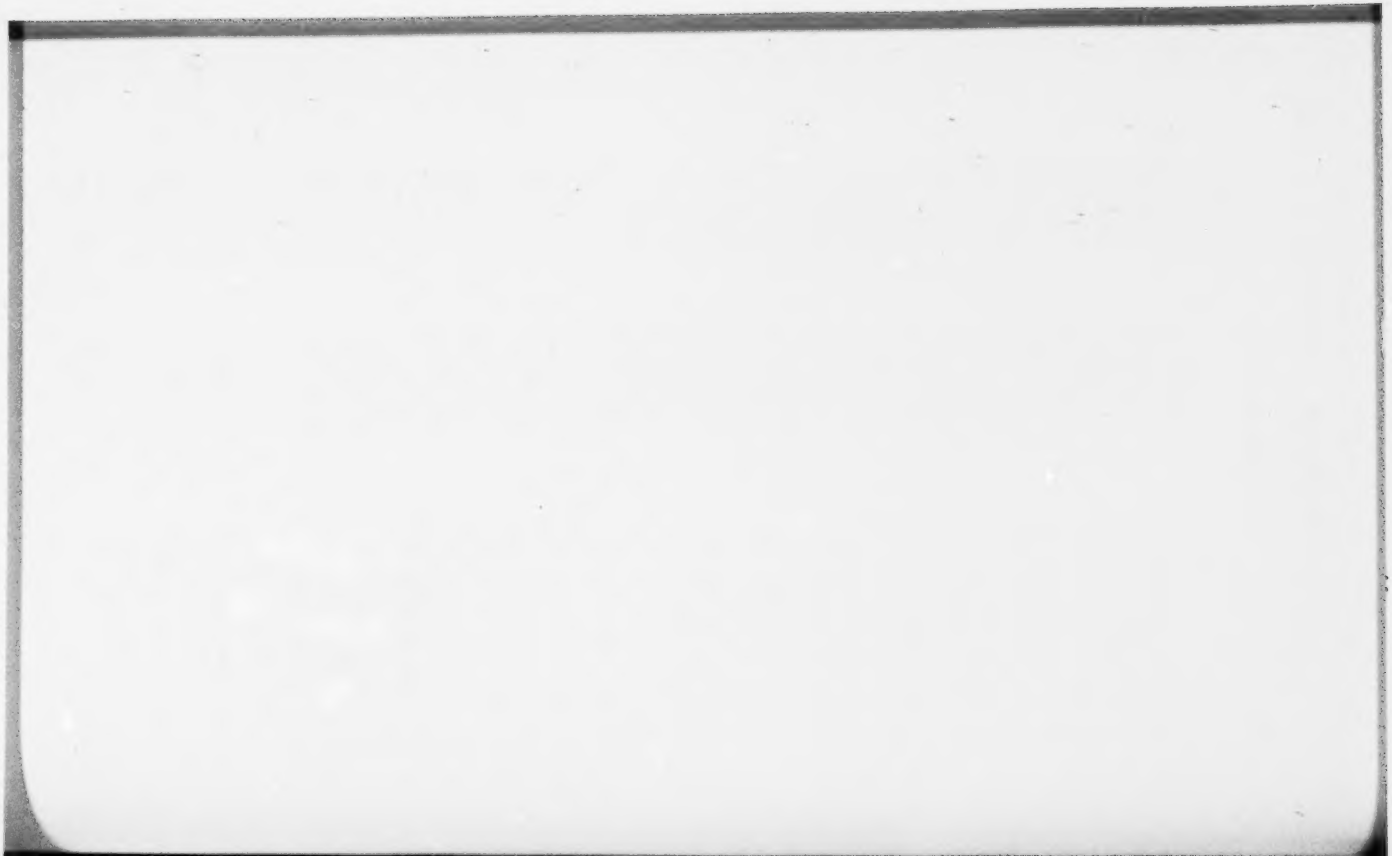
BY ARC CENTERED AT	2026640.000	206660.000
TO	2019189.740	190010.289
BY STRAIGHT LINE TO	2016613.211	191163.211
BY STRAIGHT LINE TO	2015795.894	191414.427
BY ARC CENTERED AT	2021155.000	208850.000
TO	2013823.478	192147.664
BY STRAIGHT LINE TO	2010121.478	193772.664
BY ARC CENTERED AT	2017453.000	210475.000
TO	2007660.073	195086.114
BY STRAIGHT LINE TO	2006450.073	195856.114
BY ARC CENTERED AT	2016243.000	211245.000
TO	2002812.039	198902.856
BY STRAIGHT LINE TO	2001329.365	200516.331
BY STRAIGHT LINE TO	1998627.524	203118.747
BY STRAIGHT LINE TO	1996876.875	204647.104
BY ARC CENTERED AT	2008873.000	218388.000
TO	1994484.382	207176.983
BY STRAIGHT LINE TO	1993669.382	208222.983
BY ARC CENTERED AT	2008058.000	219434.000
TO	1992024.459	210736.599
BY STRAIGHT LINE TO	1991723.504	211291.404
BY STRAIGHT LINE TO	1991392.007	211653.006
BY STRAIGHT LINE TO	1987526.734	215291.902
BY ARC CENTERED AT	2000030.000	228573.000
TO	1985880.690	217061.430
BY STRAIGHT LINE TO	1984418.690	218858.430
BY ARC CENTERED AT	1998568.000	230370.000
TO	1982725.876	221328.633
BY STRAIGHT LINE TO	1981279.040	223863.752
BY ARC CENTERED AT	1987818.000	240892.000
TO	1978538.859	225187.963
BY STRAIGHT LINE TO	1913512.136	252159.733
BY ARC CENTERED AT	1914373.000	270380.000
TO	1902085.015	256899.471

	X	Y
BY STRAIGHT LINE TO	1899965.772	257778.490
BY ARC CENTERED AT	1896827.000	275747.000
TO	1895099.636	257588.381
BY ARC CENTERED AT	1882306.000	270590.000
TO	1867537.422	259884.472
BY ARC CENTERED AT	1872418.000	277460.000
TO	1858533.650	265630.205
BY ARC CENTERED AT	1843467.000	275912.000
TO	1848728.806	258446.816
BY ARC CENTERED AT	1835344.000	270839.000
TO	1842206.261	253938.450
BY STRAIGHT LINE TO	1840881.261	253400.450
BY ARC CENTERED AT	1834019.000	270301.000
TO	1817313.904	262975.771
BY STRAIGHT LINE TO	1816821.904	264097.771
BY ARC CENTERED AT	1833527.000	271423.000
TO	1815531.092	274400.671
BY ARC CENTERED AT	1820994.000	291804.000
TO	1808996.684	278064.144
BY ARC CENTERED AT	1809845.000	296285.000
TO	1792971.196	289357.232
BY ARC CENTERED AT	1791584.000	307545.000
TO	1773422.454	305848.689
BY ARC CENTERED AT	1783067.000	321331.000
TO	1771283.720	307407.152
BY ARC CENTERED AT	1782391.000	321876.000
TO	1769316.873	309156.470
BY ARC CENTERED AT	1778769.000	324757.000
TO	1763171.778	315299.416
BY ARC CENTERED AT	1763190.000	333540.000
TO	1762008.035	315337.742
BY STRAIGHT LINE TO	1761238.035	315387.742
BY ARC CENTERED AT	1762420.000	333590.000
TO	1761003.510	315404.490
BY ARC CENTERED AT	1758630.000	333490.000
TO	1751584.928	316664.834
BY STRAIGHT LINE TO	1749526.738	316597.235
BY STRAIGHT LINE TO	1745677.439	316238.492
BY STRAIGHT LINE TO	1741756.932	315744.746
BY STRAIGHT LINE TO	1738097.906	314155.450
BY ARC CENTERED AT	1730831.000	330886.000
TO	1737269.265	313819.425
BY STRAIGHT LINE TO	1733961.536	312571.604
BY STRAIGHT LINE TO	1733064.913	312109.811
BY ARC CENTERED AT	1724713.000	328326.000
TO	1729983.294	310863.376
BY STRAIGHT LINE TO	1729556.701	310734.628
BY STRAIGHT LINE TO	1727510.374	309315.183
BY ARC CENTERED AT	1717114.000	324303.000
TO	1726647.410	308752.009

	X	Y
BY STRAIGHT LINE TO	1721462.901	305573.687
BY STRAIGHT LINE TO	1721351.205	305467.060
BY ARC CENTERED AT	1708756.000	318661.000
TO		
BY STRAIGHT LINE TO	1715564.505	301738.722
BY ARC CENTERED AT	1713598.505	300947.722
TO	1706790.000	317870.000
BY STRAIGHT LINE TO	1711470.692	300240.186
BY ARC CENTERED AT	1707760.692	299255.186
TO	1703080.000	316885.000
BY STRAIGHT LINE TO	1706764.569	299020.421
BY ARC CENTERED AT	1704364.569	298525.421
TO	1700680.000	316390.000
BY STRAIGHT LINE TO	1702465.472	298237.002
BY ARC CENTERED AT	1698144.472	297812.002
TO	1696359.000	315965.000
BY STRAIGHT LINE TO	1696238.714	297724.804
BY ARC CENTERED AT	1692447.714	297749.804
TO	1692568.000	315990.000
BY STRAIGHT LINE TO	1691302.392	297793.367
BY ARC CENTERED AT	1688714.392	297973.367
TO	1689980.000	316170.000
BY STRAIGHT LINE TO	1687709.313	298071.292
BY ARC CENTERED AT	1684999.313	298411.292
TO	1687270.000	316510.000
BY STRAIGHT LINE TO	1683392.698	298686.259
BY ARC CENTERED AT	1674667.698	300584.259
TO	1678545.000	318408.000
BY STRAIGHT LINE TO	1674182.260	300696.825
BY ARC CENTERED AT	1670983.260	301484.825
TO	1675346.000	319196.000
BY STRAIGHT LINE TO	1670472.396	301618.537
BY ARC CENTERED AT	1666144.396	302818.537
TO	1671018.000	320396.000
BY STRAIGHT LINE TO	1665216.208	303102.694
BY STRAIGHT LINE TO	1663698.256	303611.957
BY STRAIGHT LINE TO	1662427.081	303960.024
BY STRAIGHT LINE TO	1661678.585	304151.016
BY ARC CENTERED AT	1659494.422	304615.679
TO	1663290.000	322457.000
BY STRAIGHT LINE TO	1659476.114	304619.584
BY ARC CENTERED AT	1658119.984	304909.541
TO	1658887.000	323134.000
BY ARC CENTERED AT	1656353.874	305070.155
TO	1655896.000	323305.000
BY STRAIGHT LINE TO	1652649.679	305355.609
BY ARC CENTERED AT	1650183.679	305801.609
TO	1653430.000	323751.000
BY STRAIGHT LINE TO	1648634.766	306151.995
BY ARC CENTERED AT	1647050.638	306583.626
	1649308.000	324684.000

	X	Y
TO	1643681.190	307332.970
BY STRAIGHT LINE TO	1636292.049	308606.828
BY STRAIGHT LINE TO	1627130.174	309806.774
BY STRAIGHT LINE TO	1620756.645	310390.406
BY ARC CENTERED AT	1622420.000	328555.000
TO	1619894.970	310490.021
BY STRAIGHT LINE TO	1614564.970	311235.021
BY ARC CENTERED AT	1617090.000	329300.000
TO	1613147.762	311490.508
BY STRAIGHT LINE TO	1611814.388	311591.352
BY ARC CENTERED AT	1613190.000	329780.000
TO	1609959.518	311827.752
BY STRAIGHT LINE TO	1606069.518	312527.752
BY ARC CENTERED AT	1609300.000	330480.000
TO	1604701.693	312828.518
BY STRAIGHT LINE TO	1604290.346	312866.444
BY ARC CENTERED AT	1605965.000	331030.000
TO	1601324.800	313389.485
BY STRAIGHT LINE TO	1601195.452	313403.353
BY ARC CENTERED AT	1603140.000	331540.000
TO	1598672.218	313855.030
BY STRAIGHT LINE TO	1596369.924	314436.662
BY STRAIGHT LINE TO	1596179.536	314483.099
BY STRAIGHT LINE TO	1592424.426	315063.358
BY ARC CENTERED AT	1595210.000	333090.000
TO	1591478.647	315235.134
BY ARC CENTERED AT	1594075.000	333290.000
TO	1589693.705	315583.406
BY ARC CENTERED AT	1593010.000	333520.000
TO	1589432.725	315633.627
BY STRAIGHT LINE TO	1588107.725	315898.627
BY ARC CENTERED AT	1591685.000	333785.000
TO	1585928.488	316476.568
BY STRAIGHT LINE TO	1584286.461	317022.681
BY STRAIGHT LINE TO	1582201.158	317563.459
BY ARC CENTERED AT	1586780.000	335220.000
TO	1581595.826	317731.616
BY STRAIGHT LINE TO	1576265.826	319311.616
BY ARC CENTERED AT	1581450.000	336800.000
TO	1575360.430	319605.920
BY STRAIGHT LINE TO	1570080.430	321475.920
BY ARC CENTERED AT	1576170.000	338670.000
TO	1569889.483	321544.746
BY STRAIGHT LINE TO	1565349.483	323209.746
BY ARC CENTERED AT	1571630.000	340335.000
TO	1563529.454	323991.794
BY STRAIGHT LINE TO	1563104.470	324202.438
BY STRAIGHT LINE TO	1561073.459	324993.694
BY ARC CENTERED AT	1567695.000	341990.000
TO	1558882.014	326019.699



	X	Y
BY STRAIGHT LINE TO	1558878.845	326020.658
BY ARC CENTERED AT	1564160.000	343480.000
TO	1556225.264	327055.652
BY STRAIGHT LINE TO	1556065.664	327132.756
BY STRAIGHT LINE TO	1553511.012	327893.991
BY ARC CENTERED AT	1558720.000	345375.000
TO	1551769.032	328510.740
BY STRAIGHT LINE TO	1549575.133	329415.002
BY ARC CENTERED AT	1553840.000	347150.000
TO	1546080.537	330642.124
BY STRAIGHT LINE TO	1543910.537	331662.124
BY ARC CENTERED AT	1551670.000	348170.000
TO	1541402.425	333093.656
BY STRAIGHT LINE TO	1540010.551	333646.129
BY ARC CENTERED AT	1546740.000	350600.000
TO	1537926.517	334629.973
BY STRAIGHT LINE TO	1531757.270	337418.384
BY ARC CENTERED AT	1539270.000	354040.000
TO	1530263.411	338178.077
BY STRAIGHT LINE TO	1527498.411	339748.077
BY ARC CENTERED AT	1536505.000	355610.000
TO	1526511.279	340350.748
BY STRAIGHT LINE TO	1526495.252	340356.351
BY ARC CENTERED AT	1532515.000	357575.000
TO	1523958.793	341465.669
BY ARC CENTERED AT	1531240.000	358190.000
TO	1522812.853	342012.780
BY STRAIGHT LINE TO	1516478.301	345312.618
BY STRAIGHT LINE TO	1505571.538	350398.247
BY ARC CENTERED AT	1513280.000	366930.000
TO	1504778.049	350791.968
BY STRAIGHT LINE TO	1493968.049	356486.968
BY ARC CENTERED AT	1502470.000	372625.000
TO	1493740.316	356609.013
BY STRAIGHT LINE TO	1488240.052	359606.990
BY STRAIGHT LINE TO	1483854.587	361809.134
BY ARC CENTERED AT	1492040.000	378110.000
TO	1483320.003	362088.736
BY STRAIGHT LINE TO	1481463.717	363099.069
BY STRAIGHT LINE TO	1472522.370	367321.496
BY STRAIGHT LINE TO	1464631.664	370388.555
BY ARC CENTERED AT	1471240.000	387390.000
TO	1464432.797	370467.198
BY STRAIGHT LINE TO	1461367.007	371700.413
BY STRAIGHT LINE TO	1455040.915	373829.471
BY STRAIGHT LINE TO	1449141.552	375497.695
BY ARC CENTERED AT	1454105.000	393050.000
TO	1447393.776	376088.906
BY STRAIGHT LINE TO	1443223.776	377738.906
BY ARC CENTERED AT	1449935.000	394700.000

	X	Y
TO	1442769.075	377925.950
BY STRAIGHT LINE TO	1437906.346	380003.323
BY STRAIGHT LINE TO	1435141.472	381047.641
BY STRAIGHT LINE TO	1431147.160	382502.176
BY ARC CENTERED AT	1431465.000	400740.000
TO	1426148.360	383291.431
BY STRAIGHT LINE TO	1423703.360	384036.431
BY ARC CENTERED AT	1429020.000	401485.000
TO	1421665.109	384792.942
BY STRAIGHT LINE TO	1421218.470	384903.464
BY ARC CENTERED AT	1425600.000	402610.000
TO	1417427.962	386302.424
BY STRAIGHT LINE TO	1411695.359	388053.764
BY STRAIGHT LINE TO	1406674.661	389181.191
BY STRAIGHT LINE TO	1400158.431	390267.229
BY STRAIGHT LINE TO	1395814.598	390680.732
BY STRAIGHT LINE TO	1390918.652	390971.488
BY ARC CENTERED AT	1392000.000	409180.000
TO	1390574.806	390995.170
BY STRAIGHT LINE TO	1386957.975	390976.807
BY STRAIGHT LINE TO	1385797.206	390941.712
BY STRAIGHT LINE TO	1383281.102	390515.548
BY ARC CENTERED AT	1380235.000	408500.000
TO	1382826.840	390444.486
BY STRAIGHT LINE TO	1380530.215	390114.809
BY STRAIGHT LINE TO	1379792.836	389886.779
BY ARC CENTERED AT	1363392.000	397870.000
TO	1364287.995	379651.426
BY STRAIGHT LINE TO	1363311.995	379603.426
BY ARC CENTERED AT	1362416.000	397822.000
TO	1348021.258	386618.846
BY STRAIGHT LINE TO	1347740.102	386685.385
BY STRAIGHT LINE TO	1339580.030	387874.310
BY STRAIGHT LINE TO	1332310.668	388693.581
BY STRAIGHT LINE TO	1328040.717	388886.344
BY STRAIGHT LINE TO	1323345.435	388897.040
BY STRAIGHT LINE TO	1318623.382	388813.567
BY STRAIGHT LINE TO	1313960.559	388548.345
BY STRAIGHT LINE TO	1309176.109	388113.641
BY STRAIGHT LINE TO	1299212.104	386971.530
BY STRAIGHT LINE TO	1294263.747	386188.550
BY ARC CENTERED AT	1291413.000	404205.000
TO	1293947.880	386141.401
BY STRAIGHT LINE TO	1288688.880	385403.401
BY ARC CENTERED AT	1286154.000	403467.000
TO	1288273.366	385349.949
BY STRAIGHT LINE TO	1282879.366	384718.949
BY ARC CENTERED AT	1280760.000	402836.000
TO	1282342.694	384664.200
BY STRAIGHT LINE TO	1277049.694	384203.200

	X	Y
BY ARC CENTERED AT		
TO	1275467.000	402375.000
BY STRAIGHT LINE TO	1276973.676	384196.739
BY STRAIGHT LINE TO	1266567.571	383334.246
BY STRAIGHT LINE TO	1261753.853	382854.687
BY STRAIGHT LINE TO	1256844.970	382176.061
BY STRAIGHT LINE TO	1252081.894	381444.329
BY ARC CENTERED AT		
TO	1247119.827	380488.609
BY STRAIGHT LINE TO	1243670.000	398400.000
BY STRAIGHT LINE TO	1246625.928	380400.508
BY STRAIGHT LINE TO	1243865.458	379947.175
BY STRAIGHT LINE TO	1240510.889	379144.329
BY STRAIGHT LINE TO	1238894.264	378640.306
BY ARC CENTERED AT		
TO	1234691.701	377218.487
BY ARC CENTERED AT	1228846.000	394497.000
TO	1233981.468	376994.252
BY STRAIGHT LINE TO	1225768.000	393281.000
BY ARC CENTERED AT	1230677.055	375713.405
TO	1229077.217	374979.877
BY STRAIGHT LINE TO	1219065.000	390227.000
BY STRAIGHT LINE TO	1227370.800	373987.144
BY ARC CENTERED AT	1226184.927	373380.635
TO	1227213.819	367277.089
BY STRAIGHT LINE TO	1209227.000	364245.000
	1214917.815	346914.857
	1213303.815	346384.857

4. Pending further order of the Court or agreement of the parties, leases of lands lying partly within the area above described and partly landward of that area shall be in no way affected by anything contained in this decree, and revenues derived from such leases shall remain subject to impoundment under the Interim Agreement of October 12, 1956, as amended, in the same manner as heretofore.

5. The Court retains jurisdiction to entertain such further proceedings, enter such orders and issue such writs as may from time to time be deemed necessary or advisable to give proper force and effect to its previous orders or decrees herein or to this decree or to effectuate the rights of the parties in the premises.